

1 KEITH H. RUTMAN (CSB #144175)  
2 501 West Broadway Ste 1650  
3 San Diego, California 92101-3541  
4 Telephone: (619) 237-9072  
5 Facsimile: (760) 454-4372  
email: [krutman@krutmanlaw.com](mailto:krutman@krutmanlaw.com)

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7 Attorney for Plaintiff  
8 MICHAEL A. HARTSELL  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(Hon. Larry A. Burns)

MICHAEL A. HARTSELL,    } Case No. 16-cv-1094-LAB (LL)  
Plaintiff,    } PLAINTIFF'S REQUEST FOR  
v.    } JUDICIAL NOTICE  
COUNTY OF SAN DIEGO;    }  
SAN DIEGO COUNTY DEPUTY    }  
SHERIFF TRENTON STROH;    }  
DOES 1-15,    }  
Defendants.    }

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HEARING DATE: 9/23/20 @ 11:30 am  
TRIAL DATE: 9/28/20 @ 1 pm  
COURTROOM: 14A

COMES NOW Plaintiff, by and through his attorney of record, KEITH H. RUTMAN, and hereby moves the Court to take judicial notice of the following items:

1. The path of the sun as demonstrated on Plaintiff's Exhibit 29c;
2. Utilizing the "Measure Distance" function of Google Maps (attached as Trial Exhibit 4a-b), it is approximately 510 feet/170 yards from HARTSELL's rear bedroom door to the spot where he was located, as the crow flies; and
3. "backlighting" is the process of illuminating the subject from the back. This effect creates a glowing effect on the edges of the subject, while other areas are darker. See [https://en.wikipedia.org/wiki/Backlighting\\_\(lighting\\_design\)](https://en.wikipedia.org/wiki/Backlighting_(lighting_design)) and <https://www.dictionary.com/browse/backlighting>

Judicial notice may be taken of adjudicative facts that are not subject to reasonable dispute because they are either generally known or can be accurately and

1 readily determined. Where a party requests such notice and supplies the court with the  
2 necessary information, the court must take notice (and instruct the jury accordingly.)  
3 The court may notice eligible facts on its own motion as well. FRE 201(c); Oliver v.  
4 Hallett Const. Co., 421 F.2d 365, 367 (8th Cir. 1970)(Judicial notice would be taken of  
5 fact that on Oct. 7, 1966, at Little Rock, Arkansas, sundown was at 5:45 P.M. Central  
6 Standard Time); U.S. Internal Revenue Service v. Gibbs, 233 F.Supp. 934, 935 (W.D.  
7 Pa.1964)(Judicial notice would be taken of the records of the United States Department  
8 of Commerce Weather Bureau representing the time of sunset on a certain date.).

9 Respectfully Submitted,

10 Dated: September 8, 2020

s/ Keith H. Rutman  
KEITH H. RUTMAN  
Attorney for Plaintiff  
Email: [krutman@krutmanlaw.com](mailto:krutman@krutmanlaw.com)

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